

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**FIDELITY INTERIOR
CONSTRUCTION, INC.,**

Plaintiff,

V.

Case No. 1:05-CV-2938-RWS

**SOUTHEASTERN CARPENTERS
REGIONAL COUNCIL,**

Defendant

DEFENDANT'S REQUESTED JURY INSTRUCTIONS

COMES NOW Defendant Southeastern Carpenters Regional Council, and
pursuant to the Court's Pretrial Order, hereby submits its requested instructions to
the jury.

JURY INSTRUCTION NO. 19

Definition of Labor Dispute

You have heard testimony about the Council’s labor dispute with Fidelity, and its campaign activities directed at third during the course of the campaign, including the use of the term “labor dispute” while conducting banner and handbilling at locations where Fidelity was not present. In considering this evidence the Court instructs you that the definition of a “labor dispute” under

federal labor law extends beyond the dispute between the Council and a primary target of the Council's campaign such as Plaintiff. The definition of what a "labor dispute" is under federal labor law is extraordinarily broad, and covers more than disputes directly between employees and their employer. A "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the negotiation, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, such as pay and benefits, regardless of whether or not the parties to the dispute stand in the employer-employee relationship.

29 U.S.C. Sec. 113(c)

Triangle Const. & Maint. Corp. v. Virgin Islands Labor Union, 425 F.3d 938, 945 n. 6 (11th Cir. 2005).

Respectfully submitted,

_____/s Robert M. Weaver_____
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been served on the following parties by means of the Court's CM/ECF systems this the 5th day of February 2009:

James W. Wimberly, Jr., Esq.

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____s/ Robert M. Weaver_____

Robert M. Weaver